

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

**REMARKS**

**I. General Remarks**

With this Amendment, Applicants add new Claims 43-57, Therefore, Claims 1-57 are all the claims currently pending in the application.

Claims 5-14, 26-28, 32, and 41-42 stand objected to under 37 C.F.R. § 1.75(c) as improperly multiply dependent. With this Amendment, Applicants amend claims 5, 13-14, 26-28, 32, and 40-42, in order to remove improper dependencies. Applicants therefore respectfully submit that all of claims 1-42 are currently in proper form, and request that the Examiner withdraw the objection to claims 5-14, 26-28, 32, and 41-42.

Claims 1, 15, and 29 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Losh, U.S. Patent No. 6,173,181 (“Losh”). Claims 2-4, 16-24, 30-31, and 33-38 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Losh, in view of Seppanen et al., U.S. Patent No. 5,903,832 (“Seppanen”). Claims 25 and 39-40 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Losh in view of Seppanen and Nyström et al., U.S. Patent No. 6,526,091 (“Nyström”).

**II. Claims 1, 15, and 29**

Applicants respectfully traverse the rejection of claims 1, 15, and 29 as follows. Applicants respectfully submit that Losh fails to disclose or suggest all of the limitations of the present invention as recited in Claims 1, 15, and 29.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

Losh is generally directed to a method and system for controlling a cellular communication system in which a cell base station transmits a candidate scan list and mode instructions to a subscriber unit. Following the mode instructions, the subscriber unit can then derive neighbor scan lists associated with an idle mode and with an active mode. The subscriber unit then can utilize the scan lists to decrease the number of cells to be scanned. (Losh, Abstract and col. 6, ln. 17 to col. 7, ln. 8).

Applicants respectfully submit that Losh fails to disclose or suggest at least:

detection means for performing cell detection by detecting scramble codes of a visiting cell and a neighboring cell; memory means for storing a scramble code; control means for controlling to write the scramble codes of the visiting cell and neighboring cell, detected by said detection means, into said memory means; and measurement means for measuring detection frequencies of the scramble codes and intra-cell stay times (Claim 1, *see also* Claims 15 and 29).

Losh discloses a scanner 66, shown in Figure 4, which scans for useable cells. However, Losh fails to disclose the use of scramble codes or detecting scramble codes. Further, Losh fails to disclose or suggest detecting a neighboring cell. According to Losh, a candidate scan list including neighbor cells is transmitted to a subscriber unit, however, Losh fails to disclose a mobile communication terminal detecting the presence of a neighboring cell, as recited in each of Claims 1, 15, and 29. Because Losh fails to disclose detecting the scramble codes of neighboring cells, Losh also fails to disclose writing these detected scramble codes into memory.

Losh also fails to disclose or suggest measuring detection frequencies or intra-cell stay times, as recited in each of Claims 1, 15, and 29. The Examiner points to the scanner 66 of

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

Figure 4 of Losh and to column 5, lines 40-55, column 7, lines 9-34, and column 8, lines 1-12 of Losh as disclosing this limitation. These sections of Losh disclose generating a candidate scan list, generating individual scan lists from the candidate scan list and the mode instructions, and the option of storing the scan lists in the memory or in the scanner 66. However, Losh fails to disclose measuring the detection frequencies of scramble codes (the number of times the scramble code is detected within a period of time) or measuring intra-cell stay times, as recited.

For at least the above exemplary reasons, Applicants respectfully submit that Losh fails to disclose or suggest the present invention as recited in any of Claims 1, 15, and 29, and request that the Examiner withdraw the §102(e) rejection from Claims 1, 15, and 29.

### **III. Claims 2-4, 16-24, 30-31, and 33-38.**

Applicants respectfully traverse the rejection of Claims 2-4, 16-24, 30-31, and 33-38 as follows. Applicants respectfully submit that a reasonable combination, if any, of Losh and Seppanen fails to teach or suggest all of the features of the present invention as recited in Claims 2-4, 16-24, 30-31, and 33-38.

Seppanen is generally directed to a mobile station having access to a number of available networks and maintaining a prioritized list of the networks in the memory of the mobile station. Unlike Losh and the present invention, Seppanen discloses a mobile terminal which selects between a number of network systems, rather than between base stations or cells within a singular network system. Therefore, Seppanen, like Losh, fails to disclose detecting the scramble codes of neighboring cells or measuring detection frequencies or intra-cell stay times. Therefore,

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

Applicants submit that Claims 2-4, 16-24, 30-31, and 33-38 are patentable at least by virtue of their dependence on one of Claims 1, 15, and 29, and for the additional reasons presented below.

With respect to Claims 2, 16, and 30, a reasonable combination, if any, of Losh and Seppanen fails to teach or suggest storing scramble codes in memory in response to user operation. The Examiner acknowledges that Losh fails to disclose this limitation and therefore relies on Seppanen. (Office Action, page 4). Seppanen discloses that a user can select and move network names and system parameters on a preference list. (Seppanen, col. 4, lns. 16-21 and col. 5, ln. 66 to col. 6, ln. 9). However, the system parameters discussed by Seppanen refer to information relating to network systems, and not to specific base stations or cells, and therefore are not the same as base station scramble codes. Further, Seppanen fails to teach or suggest storing information in response to user operation. Instead, Seppanen merely discloses moving information within a priority list in response to user operation.

With respect to Claims 22 and 36, a reasonable combination, if any, of Losh and Seppanen fails to teach or suggest: “performing cell detection by using a scramble code other than the scramble codes stored in the memory means when cell detection cannot be performed by using the scramble codes stored in the memory means.” The Examiner relies on Seppanen to teach this limitation, pointing to column 3, lines 1 to 30 and column 4, lines 5-29. These portions of Seppanen discuss the creation of lists of networks available to a mobile station and the selection of an available network according to priority of the networks on a list. As discussed above, the lists of Seppanen are lists of networks available to a mobile station, not to base

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

stations or cells within a single available network, and Seppanen fails to disclose the use of scramble codes. Further, Seppanen fails to teach or suggest using a scramble code which is not in the memory when the scramble codes that are in the memory can not be used.

With respect to Claims 23-24 and 37-38, a reasonable combination, if any, of Losh and Seppanen fails to teach or suggest performing cell detection by preferentially using a scramble code exhibiting either a high detection frequency or a long stay time. The Examiner relies on Seppanen to teach these limitations. According to the disclosure of Seppanen, a network is chosen from a prioritized list of available networks. The networks are prioritized for use based on at least one of type of network, position on the list, and strength of signal. (Seppanen, col. 4, lines 5-29 and col. 7, lines 10-49). Seppanen fails to teach or suggest performing cell detection preferentially based on detection frequency or stay time.

For at least the above exemplary reasons, Applicants respectfully submit that a reasonable combination, if any, of Losh and Seppanen fails to teach or suggest all of the limitations of the present invention as recited in Claims 2-4, 16-24, 30-31, and 33-38, and request that the Examiner withdraw the §103(a) rejection from these claims.

**IV. Claims 25 and 39-40.**

Applicants respectfully submit that a reasonable combination, if any, of Losh, Seppanen, and Nyström fails to teach or suggest all of the features of the present invention as recited in Claims 25 and 39-40.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

Nyström is generally directed to a method and apparatus for synchronizing a transmitter and a receiver based on orthogonal sequences with optimized correlation properties. (Nyström, Abstract). More specifically, Nyström discloses assigning scrambling codes to scrambling code groups and encoding the scrambling code groups in sequences of signed code words that are S-Hadamard sequences.

Nyström, like Losh and Seppanen, fails to disclose detecting the scramble codes of neighboring cells or measuring detection frequencies or intra-cell stay times. Therefore, Applicants respectfully submit that Claims 25 and 39-40 are patentable at least by virtue of their dependence on one of Claims 1, 15, and 29, and request that the Examiner withdraw the §103(a) rejection from these claims.

**V.     Claims 5-14, 26-28, 32, and 41-42.**

Applicants respectfully submit that Claims 5-14, 26-28, 32, and 41-42, are patentable, as amended to remove improper multiple dependencies, at least by virtue of their dependence on one of Claims 1, 15, and 29.

**VI.    New Claims 43-57**

Applicants submit that new Claims 43-57 incorporate material previously covered by Claims 5, 13-14, 26-28, 32, and 40-42, and therefore are fully supported by the specification. Applicants respectfully submit that Claims 43-57 are patentable over the cited prior art at least

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO. 09/661,195  
ATTORNEY DOCKET NO. Q60810

by virtue of their dependence on one of Claims 1, 15, and 29, and for the reasons presented above with respect to Claims 1-42.

## VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz  
Registration No. 55,470

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: April 15, 2004